

REMARKS/ARGUMENTS

This Response is submitted in complete response to the Office Action dated February 15, 2007.

Prior to specifically addressing the outstanding rejections Applicants note that the claims are limited to isolated nucleic acid sequences or vectors containing that encode hT2R76 polypeptides having at least 95% sequence identity to SEQ ID NO:2 or sequences which hybridize to SEQ ID NO:1 under defined stringent binding conditions AND which encode a polypeptide that specifically binds to the T2R76 polypeptide contained in SEQ ID NO:2.

As noted in Applicants' prior Reply this is consistent with the scope of protection allowed by the Board of Appeals in another application, US Serial No. 09/825,882, also directed to a hT2R bitter taste receptor now patented.

Additionally, the claims are amended to overcome the prior art rejection. In particular the claims now provide for the isolated hT2R76 sequence to be operably linked to a heterologous promoter or for the isolated hT2R76 sequence to be comprised in a vector that provides for the expression thereof in an or isolated or recombinant host cell. These amendments are made without prejudice and do not introduce any new matter or raise new issues. These amendments are made without prejudice. Additionally, the hybridization conditions are corrected and the recitation "contained in " has been eliminated from the claims.

Turning now to the Office Action, claims 93-117 were rejected under 35 USC 112 second paragraph based on the recitation "contained in" with respect to the recited hT2R76 sequences. This rejection is moot as this wording is not contained in any of the present claims.

Prior claims 105-108 were rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter. This rejection is also moot as the current claims recite an “isolated or recombinant host cell”. Neither recitation embraces a product of nature and is statutory subject matter. Based thereon the 101 rejection should not be maintained against the current claims.

Prior claims 93-98 were rejected under 102(a) as allegedly being anticipated by NCBI Entrez Nucleotide database record Locus AC092214. This rejection is no longer applicable as the current claims require an isolated nucleic acid sequence encoding hT2R76 that is operably linked to a heterologous promoter or an expression vector that provides for the expression of a functional (bitter ligand binding) hT2R76 polypeptide. Such recombinant isolated nucleic acid sequences or vectors containing are not taught or suggested by the cited NCBI reference.

Claims 93, 96, 97 and 98 also were rejected under 35 USC 102(b) as allegedly being anticipated by NCBI Entrez Nucleotide Database Locus AC092214, Version AC092214.1.

This rejection is not applicable to new claims 118-122 which are directed to isolated nucleic acid sequences encoding hT2R76 polypeptides which are operably linked to a heterologous promoter and/or vectors or an isolated or recombinant host cell containing.

Based on the foregoing, withdrawal of the 102(b) rejection is believed to be in order.

It is anticipated that the present amendments and remarks will render moot all of the outstanding objections and rejections and that this application is believed to be in condition for allowance. A Notice to that effect is respectfully solicited.

If the Examiner has any questions relating to this application, he is respectfully requested to contact the undersigned at 202-419-2018 (direct) or rteskin@hunton.com.

Applicants believe that this response is being submitted timely and that no additional fees are due with the filing hereof. However, in the event a variance exist in the calculations by the U.S. PTO, Applicants hereby authorize the granting of any extension of time, including the appropriate fees as required to enter this response. Please charge or credit any variance of the amount enclosed to our Deposit Account Number 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:



Robin L. Teskin
Registration No 35,030

Dated: April 27, 2007

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)